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March 15, 2016

Michigan House Natural Resources Committee
Lansing, MI

Re: SB 591 – Small Native Copper Mines

Dear Committee members,

The Michigan Environmental Council (MEC), a coalition of more than 70 member organizations across the state, has long been involved in the discussion surrounding mining in the state. In 2004, MEC was involved in a stakeholder process that developed the current Part 632 nonferrous mining legislation that unanimously passed the legislature. That bill included significant protections to the environment, ensuring that a full environmental assessment was completed, setting bonds at a sufficient level to cover the state's cost to fix any problems that may arise, and attempting to address perpetual care issues that face mining.

We believe that SB 591 is an unnecessary exemption to Part 632. The current act, which was broadly supported, has worked well and could continue to do so. This new exemption goes too far in order to exempt certain users from addressing important impacts of copper mining.

Though SB 591 leaves in place the requirement to leave the mine with no perpetual care post closure, this is insufficient when compared to other aspects of the bill. The largest of the many problems we see with this bill is the removal of requirement to do an environmental impact assessment (EIA) prior to submitting a permit application. Though the bill has an applicant submit a plan that looks at soil erosion and perpetual care, this is not a sufficient substitute for an EIA. An EIA looks at effects on water, habitat, endangered species, and most importantly looks at alternatives to the plan proposed. This helps lead to the most environmentally sound path forward for mines.

Additionally, the removal of a public comment period and the stripping back of local ordinances that can regulate mining activities are detrimental to the communities that these mines will be located near. Opening a permit up to public comment allows the local communities to voice their concerns and have a dialogue about the potential mine permit. The stripping back of local control of mining activities only compounds this issue. Part 632 allows locals to regulate mining hours, mining roads and institute water quality monitoring. These are all of great importance to a local community that simply is looking to protect its citizens.

Further, SB 591 severely short-cuts the required "mining, reclamation and environmental protection plan" that was central to Part 632. Part 632 directly addresses the increased risk posed by acid rock drainage (ARD), which occurs

when the sulfide bearing rock associated with non-ferrous metallic minerals (like copper) comes in contact with air and water. Under Part 632 the mining plan required addressing the geochemistry of the ore, how the waste rock and peripheral rock was to be handled, including "characterization of leachability and reactivity." Part 632 also required provisions in the plan "for the prevention, control and monitoring of acid-forming waste products. . .so as to prevent leaching into groundwater or runoff into surface water." There was also a "contingency plan" requirement. The proposed part 634 appears to ignore the acid rock drainage risk entirely. 634 simply asks for a "description of the mining methods to be utilized." It treats most materials produced as "waste rock" which can be stored on the surface for a year or more, and excludes addressing any overburden removed prior to "commencement of mining". The current regulations under Part 632 are a good way to address the risk of acid rock drainage, and include "post-closure monitoring" plans that identify ARD, control of the "stockpile" that included surface overburden, rock, and the "tailings basin" where material that is separated is stored, under strict requirements for limiting exposure to air and water. SB 591 does not do enough to protect Michigan's citizens and natural resources from ARD.

Also, SB 591 changes some of the procedural requirements of mining activities in a way that does not address the risks that are associated with mining. SB 591 simply wraps too many activities into the mining permit, and does not appear to give the DEQ or locals the ability to permit or control many ancilliary activities, including adding utilities roads and potentially other activities. It also limits the DEQ's right to revoke a permit if mining has not commenced. Instead of two years as required under Part 632, it adds on an additional year before revocation could occur. SB 591 also takes the burden off the mine to show that its plan "will result in a mining operation that reasonably minimizes actual or potential adverse impacts on air, water, and other natural resources and meets the requirements of this act." This is a simple measure that ensures the mine knows the plan forward and gives local residents peace of mind that their local community will not be impacted.

Finally, the bonding requirements in SB 591 are likely insufficient to sufficiently offset the cost of reclamation if something occurs. Part 632 requires a full analysis of the full cost of reclamation, remediation and closure and then requires 75% of that in a bond. This ensures that the state will not be on the hook for massive sums for clean-up if something were to go wrong.

We urge you to oppose this bill, as it is unnecessary at this point in time. We are open to working with the committee on amendments that will help protect our natural resources from the risks presented by this type of copper mining.

Thank you,



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